

SERVICE ANIMALS

Landlord: "What are service animals and what do they do?"

Mobile home park manager: "We have a 'no pets' policy. Do I have to rent to an applicant who claims her doctor wants her to have a cat as a companion animal?"

Resident manager: "I suspect an applicant who says he needs two service animals is just trying to bypass our 'one animal per apartment' rule."

Property management company: "Our resident lets his assistance dog run loose and doesn't clean up after it. Can we enforce our leash requirements? Who's responsible for clean-up?"

What is a "Service Animal" and what do they do?

A service animal is one that provides assistance to a person with a disability. Service animals perform a wide variety of tasks for people with disabilities. Here are some examples:

- Guiding a person who is blind
- Alerting a person who is deaf or hard of hearing to noises such as alarms, doorbells, a baby crying, etc.
- Assisting wheelchair users by retrieving dropped items, opening doors, pulling a wheelchair, or carrying supplies.
- Sensing and warning about a person's oncoming seizure.
- Providing support or balance for someone with an unsteady gait.
- Aiding someone with a cognitive or psychological disability to live more independently (by bringing an emergency phone during a crisis, dialing 911 or the suicide hotline, turning on the lights in a dark room, bringing medications, barking for help in an emergency, assisting a person with panic disorder in coping with crowds, etc.).

HUD compliance guidelines define them as "animals that serve as a reasonable accommodation for persons with disabilities by assisting those individuals in some identifiable way by making it possible for them to make more effective use of their housing." Under these guidelines, so-called "companion" animals are also considered to be a type of service animal.

Many service animals are dogs, but they may be other domestic species, such as cats or birds. A service animal can be any breed or size, and housing providers cannot place limitations on their size or weight. Some might wear a backpack, harness, special collar or leash, but this is not a legal requirement. Sometimes, a person with a disability may need more than one service animal, when each provides a different type of assistance (for example, someone may need both a hearing dog and a seizure alert dog).

How can we tell if it's a service animal or just a pet?

Sometimes the need for a service animal is obvious, such as a blind person with a guide dog. Remember that many disability conditions are not necessarily obvious (such as cancer, heart disease, kidney disease, depression, etc.). If the disability or need for the animal is not clear, a housing provider may ask an applicant or resident to provide written verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's disability and the need for reasonable accommodation. Housing providers may not ask for details about the applicant's/resident's disability or medical records.

Do service animals need specific training and certification? How do I know the animal has been properly trained? Can I ask for proof of training?

Service animals are often individually trained to assist the person with disability-related needs. The person with a disability can train his/her own service animal. There is no national standard for evaluating the training or performance of any type of service animal, including guide dogs. You may not require the disabled resident to provide proof of the service animal's training.

We have a strict no pets policy. Do we have to allow service animals?

Even though your housing community has a "no pets" rule, under fair housing laws, you must allow residents to have service animals if they are necessary for disability needs.

I'm concerned that my disabled resident's service dog is going to damage the apartment and disturb others. Is it okay to ask for a pet deposit?

Because a service animal is not a pet, you cannot lawfully require any additional deposits.

The resident is responsible for the actions of his/her animal and can be held accountable for any damage to your property. The resident should also comply with any of your established policies, such as cleanliness and maintenance of the unit, as well as leash requirements and noise guidelines.